

### REMARKS

The invention, as claimed in independent claim 1, relates to automatically packaging a plurality of individual articles into packs at a “packing means,” and collecting the packs together into packaged units, each of which includes a plurality of the packs, at a “means to collect”, e.g., a palletizer. Along the way, individual articles are marked at first marking means; the packs are marked at a second marking means, and the packaged units are marked at a third marking means. There also are first, second and third conveying means for conveying the packs and packaged units, and a control means that controls operation by instructions sent over a data bus using a common computer protocol. Each of the individual first, second and third marking means and the means to collect are connected to the data bus by “respective connecting means,” each of which includes “means to translate data bus commands appropriate to that component into a command protocol which is read by the connected component which responds by performing a productive function, whereby the control means is able to control each of the connected components independent of command protocols recognised by the connected components.” As noted at page 6 of the specification:

It will be appreciated that at least some if not all of the components connected to the data bus 10 may emanate from alternative manufacturers, or even when from the same manufacturer may be of different generations or otherwise may be incompatible from a control point of view. This connected component may require command protocols particular to that component in order to perform a productive function such as “print” or “wrap.”

The invention of claim 1 permits a common computer protocol to be used by the control means, and the respective connecting means then translates the commands to the command protocol actually used by the connected component. As described at page 7 of the specification:

Each connecting means may be a serial connection which includes means to translate the data bus commands addressed to the associated connected component into a command protocol appropriate to control the individual connected component to operate to perform productive functions in accordance with the control algorithm.

Independent claim 1 stands rejected under 35 USC 102(e) on the basis of Komiya U.S.

Patent No. 6,155,025. It was noted in the office action with respect to the rejection of claim 1:

A controller (66) sends signals to each of the elements of the system via a data bus.  
(See KOMIYA ET AL columns 4-6 and 9-12 and figures 1, 2, and 19.)

With respect to the rejection of claims 2-13, it was stated: "KOMIYA ET AL does not specifically disclose ... the specifics of the control means' signals." It was also stated:

Regarding claim 10 [which recites specific data transfer protocols], it would have been obvious to one of ordinary skill in the art at the time the invention was made to use any of the recited data protocols since Applicant has not disclosed that the use of any of the particular data transfer protocols solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any data transfer protocol that allows most efficient and effective communication between the controller and the elements of the system.

The passages of Komiya at columns 4-6 and 9-12 and the figures 1, 2 and 19 referenced in the office action merely describe how a controller controls various mechanisms and patterns and how computer 66 controls various process controllers.

Komiya nowhere discloses or suggests a "respective connecting means" for each of a first, second and third marking means and for a means to collect where each respective connecting means includes a "means to translate data bus commands appropriate to that component into a command protocol which is read by the connected component which responds by performing a productive function, whereby the control means is able to control each of the connected components independent of command protocols recognised by the connected components."

The office action ignored this important limitation of claim 1, which is not disclosed in Komiya, and the rejection under 35 USC 102(e) cannot stand.

Moreover, Komiya nowhere addresses the problem solved by the invention of claim 1 and nowhere describes a solution to the problem, let alone the particular solution claimed in claim 1. Komiya does not teach being able to communicate with and control a multiplicity of manufacturers' equipment by translating commands sent via a common command protocol to commands specific for the various manufacturers' equipment at respective connecting means. Claim 1 should be found patentable under 35 USC 103(a).

The remaining claims depend on claim 1 and are allowable with it.